

Notice of Allowability

Application No.

09/787,737

Applicant(s)

KAKIMOTO, TATSUO

Examiner

Stuart F. Baum

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 8/23/2004.
2. ☒ The allowed claim(s) is/are 1, 3, 7-10, 12-22, 24-27, 29-30 (renumbered 1-23).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 1104.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Stuart F. Baum

EXAMINER'S AMENDMENT

RCE Acknowledgment

1. The request filed on August 23, 2004 for a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, based on parent Application No. 09/787,737 is acceptable and a RCE has been established. An action on the RCE follows.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Erin Dunston on 11/12/2004.

3. IN THE CLAIMS:

Claim 28 has been canceled.

-- Claim 3 (Currently Amended) An isolated polynucleotide that
[(1) hybridizes to the complement of a nucleic acid having the nucleotide
sequence as set forth in SEQ ID No: 1 or a portion thereof under high stringency
conditions, and
(2)] encodes a protein[, wherein said protein (a) regulates
differentiation, wherein said differentiation is selected from the group consisting of
formation of adventitious shoot and branching, and wherein said protein has a
homeodomain-like sequence, and (b) further wherein the amino acid sequence of

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said protein] that has at least 90% amino acid identity to SEQ ID NO: 2, wherein overexpression of said polynucleotide in a plant induces adventitious shoots and branching.--

--Claim 7 (Currently Amended) The polynucleotide according to claim 1 wherein said protein induces adventitious shoots when expressed in a plant.

Claim 8 (Currently Amended) The polynucleotide according to claim 1 wherein said protein induces branching when expressed in a plant.--

In claim 12, line 2, the recitation --in a plant-- has been inserted after the first recitation of "differentiation".

--Claim 13 (Currently Amended) The method for producing a protein according to claim 12, wherein said protein induces adventitious shoots when expressed in a plant.

Claim 14 (Currently Amended) The method for producing a protein according to claim 12, wherein said protein has an ability of inducing branching when expressed in a plant.--

In claim 16, line 5, the recitation "transcribing" has been replaced with --expressing--.

In claim 17, line 3, the recitation "transcribing" has been replaced with --expressing--.

In claim 18, line 3, the recitation "transcribing" has been replaced with --expressing--.

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--Claim 19 (Currently Amended) The polynucleotide according to claim 3, wherein said protein induces adventitious shoots when expressed in a plant.

Claim 20 (Currently Amended) The polynucleotide according to claim 3, wherein said protein induces branching when expressed in a plant--

In claim 25, line 5, the recitation "transcribing" has been replaced with --expressing--.

In claim 26, line 3, the recitation "transcribing" has been replaced with --expressing--.

In claim 27, line 5, the recitation "transcribing" has been replaced with --expressing--.

In claim 29, line 1, the number "28" has been changed to --3--.

In claim 29, line 2, the recitation "are" has been changed to --is--.

In claim 30, line 2, the recitation "are" has been changed to --is--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 571-272-0804. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

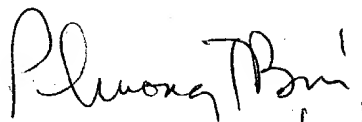
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Stuart F. Baum Ph.D.
Patent Examiner
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November 12, 2004


PHUONG T. BUI
PRIMARY EXAMINER 11/12/04